The Obligation of an OATH; *and particularly of the* OATHS *of* Allegiance, Supremacy, *and* Abjuration.

A

SERMON

PREACH'D at the

ASSIZES

HELD AT

DORCHESTER,

ON

Friday, March 16. $17\frac{15}{16}$.

By NICHOLAS CARTER, A. M.

Publiſhed at the Requeſt of the High-Sheriff, Grand-Jury, and others.

LONDON:
Printed for J. CHURCHILL, at the *Black Swan* in *Pater-Noſter-Row.* MDCCXVI.

TO

Nicholas Cary, Esq;

High-Sheriff of the County of *Dorset*.

AND TO

John Gould, Esq;		*Ralph Gollop*, Gent.	
John Williams, Esq;		*John Gollop*, Gent.	
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John Tucker, Esq;			

GENTLEMEN,

IN pure Compliance to your repeated Request, I Print this Sermon; chusing rather to hazard the being censured for affecting every Opportunity of appearing to the Publick, than to give you an Occasion of complaining of my Disrespect, by refusing it.

Had

Had I had more Time allowed me to prepare it in, it might have been better performed: But it ought not to be expected, that a Compoſition of ſo few Days, upon a difficult Subject, (and which I had not particularly conſidered before-hand) ſhould be without a great many Imperfections.

Such as it is, I preſent it to you; and if it proves in the leaſt ſerviceable to the ſetting Men right in their Notions of the Obligation of the Oaths taken to the Government, no private Conſideration will ever make me repent of its being made Publick.

I am, Gentlemen,

Your moſt obliged,

and Faithful Humble Servant,

Dorcheſter, *March* 24.
$17\frac{15}{16}$.

NICHOLAS CARTER.

ECCLES.

ECCLES. VIII. 2.

I counſel thee to keep the King's Command; and that in regard of the Oath of God.

THESE Words will admit of a double Interpretation. By the *Oath of God* may be meant, either a Limitation of Obedience to the *King's Command*; or a Motive to perform it.

In the former Senſe of them, it is adviſed, That the Laws of the Prince ſhould be obſerved ſo far as is conſiſtent with a Superior Obligation; which ariſes, not only from Nature, but alſo from a voluntary and poſitive Agreement, confirmed by an Oath to God, in the Circumciſion of *Jews*, and Baptiſm of Chriſtians.

Chriſtians. Thus *Jonathan* (*a*) refuſed to obey *Saul*, when he commanded him to *kill David*; becauſe he knew, that to deprive an Innocent Perſon of Life, is forbid by the Law of God. And *Peter* and *John* (*b*) replied to the Magiſtrates, who *commanded them not to ſpeak at all, or teach in the Name of Jeſus; that they could not but ſpeak the Things, which they had heard and ſeen*; as being convinced, that they (*c*) *ought to obey God, rather than Men.*

By the other Senſe of the *Oath of God*, (namely as it is a Motive to Duty) we are admoniſhed to a faithful Diſcharge of that Obedience to the King, which we have agreed upon, and eſtabliſhed by our Oath. Thus the (*d*) Covenant, made by *David*, with the Elders of *Iſrael* at *Hebron*, is ſaid to be *before the Lord*, that is, with an Oath: Which Inſtance proves the Lawfulneſs of ſuch Agreements. And *Zedekiah* for rebelling againſt *Nebuchadnezzar*, and breaking the Oath which he had taken to him, was puniſhed by God's ſpecial Permiſſion with (*e*) Captivity,

(a) 1 Sam. 19. 1.
(b) Acts 4. 18, 19, 20.
(c) Acts 5. 29.
(d) 1 Chron. 11. 3.
(e) Ezek. 17. 18. 2 Kings 25. 7.

the

the Slaughter of his Children, and the Loſs of his Eyes.

The *Firſt* of theſe Interpretations is the fitteſt to be preſſed upon the flattering Slaves of a wicked and arbitrary Tyrant; And the *other*, upon the Seditious Subjects of a good and lawful Prince.

The preſent Poſture of Affairs makes it ſeaſonable that I ſhould treat on theſe Words in the latter Meaning. For the Wiſdom, Juſtice, and Piety of our Sovereign, ſecure us from all Temptation of violating our Engagements to God, by complying with his Commands: As our Readineſs to Rebel ſhews how little we regard the Oaths we have made to the King; by which we have, in the moſt Sacred Manner, and with the ſtrongeſt Bond of Conſcience, tied down our Faith and Allegiance to him.

My Deſign from theſe Words is to treat, *Firſt*, of an Oath in general.

Secondly, To conſider the particular Oaths of Allegiance, Supremacy, and Abjuration.

In ſpeaking of an Oath in general, I ſhall *Firſt* endeavour to give a Definition, and to ſhew the Kinds of it.

Secondly,

Secondly, To explain its Nature and Obligation.

Thirdly, To prove the Usefulness, and Lawfulness of it.

Fourthly, To set before you the Ways, and Guilt of breaking it.

First, I am to give the Definition, and Distinction of an Oath.

An Oath is a Solemn and Religious Act, whereby we Appeal to God, to be a Witness of the Truth of what we say. It is a *Solemn* Act; because it is taken with Thought and Deliberation, and is commonly attended with some significant and grave Ceremonies, by which it is distinguished from heedless and common Swearing: And it is a *Religious* Act, as it implies an Acknowledgment of the infinite Understanding, Power, and Truth of God, in him who takes it. The End of it is to give Credit to a doubtful Matter; and we by it quit all Claim to the Mercy, and imprecate the Vengeance of Heaven, if we speak not the Truth.

Oaths are commonly divided into two Kinds; *Assertory*, and *Promissory*. An Assertory

tory Oath respects a Thing past or present; A Promissory One, a Thing to come. The former Sort is most used in Trials, to determine Controversies, and chiefly in Questions of Fact; the latter in making Bargains, Covenants, and Promises. In Both God is invoked *directly* as a Witness of the Truth, and *by Consequence* as a sure Judge and Avenger of the Falshood of what we speak.

I am, *Secondly*, To explain the Nature and Obligation of an Oath.

The Nature of an Oath is such, that an Obligation is inseparable from it. It is a voluntary Act: (For the Will cannot be forced) And what is undertook *freely*, ought to be performed *faithfully*. The very Form of it consists in a solemn Appeal to the Almighty, as a Witness of the Truth of what is spoke; by which we challenge the Divine Judgment and Vengeance, if we speak falsely. The End of it is to confirm Things doubtful, and to decide Contests; which being of great Use to Society, proves its Obligation.

There are two Sorts of Obligation; an Obligation of *Duty*, and an Obligation of *Punishment*. Whoever swears, is primarily obliged to perform his Oath; And if he

breaks it, he is obliged, as a just Consequence of his Perfidiousness, to suffer Punishment: Namely such a Punishment as is due to a voluntary Contempt and Defiance of the infinite Knowledge, Might and Justice of the Eternal God.

I am, *Thirdly*, To prove the Usefulness, and Lawfulness of an Oath, in proper Cases.

The Usefulness of an Oath appears from that Credit and Reliance, which it is naturally apt to produce about Matters, which are not capable of absolute Certainty. It is necessary to the Safety and Benefit of Society, that we should trust to each other's Fidelity; and an Oath is the best Security against Deceitfulness. For however Men may dread the Penalties of Human Laws; yet, because they are often to be escaped, they will not so strongly oblige as an Oath, which reaches the Conscience, *and* (*f*) *binds the Soul with an* unavoidable, and indissoluble *Bond*. By this, Allegiance is secured to a Prince, and Protection to a People; Mens Liberties, Properties, and

(*f*) Numb. 30. 3.

Lives

Lives are maintained; Alliances are confirmed; Peace is preserved; and Controversies are determined.

And the Benefit of Oaths in proper Cases, proves the Lawfulness of them. For it seems to be an Imputation on the Wisdom and Kindness of God, to think that he has forbidden Men the Use of an Act, which directly serves to the common Good, no less than to his own Honour.

But Oaths are expressly commanded (*g*) in the Old Testament, and were used (*h*) by Christ and his Apostles under the Gospel. And even God himself, conforming to the Customs among Men, is said (*i*) to have *confirmed* his Promises *by an Oath*: Which would have been a Precedent very ill to be recorded, had the Use of Oaths been unlawful. But to insist no longer upon the Lawfulness of Oaths, which but few dispute; I proceed

Fourthly, To set before you the Ways, and Guilt of breaking them.

(*g*) Deut. 6. 13. Num. 5. 19.
(*h*) Matt. 26. 63, 64. Rom. 1. 9.
(*i*) Heb. 6. 17.

An Oath is to be broke two Ways; either by False-Swearing, or by Perjury. *False-Swearing* has an immediate Respect to the Conscience of him that Swears; and is when the Mind and Words do not agree. *Perjury* has a direct Relation to the Matter of an Oath; and is when that which was promised in it, is not performed. The *First* is a Violation of Truth, and may be in Oaths of either Kind; the *other* is a Breach of Justice, and can be committed in promissory ones only: And upon both of them the Divine Wrath is alike imprecated.

He therefore who asserts what he knows or believes to be a Falshood, or what he does not know to be true; or he that promises what he does not intend to fulfil, (either because he thinks it to be against his Interest, or believes that it ought not to be done, or that it is impossible in its self, or beyond his Strength to effect) breaks his Oath, when he takes it, by swearing falsely.

He who wilfully neglects to perform what he promised, breaks it, after he has taken it, by Perjury.

He who neither intended what he swore, at the Time of swearing; nor did the Thing he engaged for afterwards, has broke it both Ways.

From

From whence it may be infer'd, *first*, That no verbal Equivocation, (by which the Words of an Oath may be understood, by him who takes it, in a different Sense from what the same Words plainly and naturally express, and which the Imposer intends by them) can excuse him, who so equivocates, from False-swearing. An Oath being used for the Satisfaction of him who requires it, it must always be taken in that Meaning, which he declares to understand it in. But he, who equivocates, takes it in another Sense, and consequently does not intend what the Other requires by the Oath, and therefore he swears falsely. And if it be a promissory Oath he may be perjured also.

The same may be infer'd, *Secondly*, Concerning all mental Reservations, by which the open and obvious Sense of an Oath, and which he that administers it, professes, or is reasonably presumed to intend by it, is altered, by adding other Words in the Mind; which make up an entire Proposition, of a different and reserved Meaning. For he that swears in a reserved Sense, does not purpose in his Heart to answer the Expectation of him who desires his Oath; (whether it be, that he should speak the Truth,

or

or perform his Promise) and therefore he swears deceitfully.

An Oath is alike broke by a verbal Equivocation and mental Reservation; but the latter is by so much the more mischievous, by how much the more difficult it is to be prevented. When there is a Suspicion that the Swearer would *equivocate*, there may be such Explications added to the Words of the Oath, as may leave them hardly possible to be understood in any Sense different from that which he who gives it, designs by them: But no Art or Prudence can hinder a Man from swearing *reservedly*. But he who uses either of these Shifts, prophanes the Name of God, destroys the End of an Oath, and kowingly and wilfully deceives his Neighbour.

It follows, *Thirdly*, That he is forsworn, who swears to do a Thing, which at the Time of taking his Oath, he thinks to be unlawful. For he either intends not to perform it, as judging it to be sinful; and so deceives the Party to whom he swears: or, if he should perform it, he violates a former Obligation. He who believed the Matter of an Oath to be unlawful, and yet took it, engaged to do what he knew,

to

to be, of Right, impossible to be done; and therefore he has broke his Oath, not so much by not performing, as by taking it.

It follows, *Fourthly*, That when an Oath is not fulfilled, no Dispensation, Commutation, or Release, without Consent of Parties, can excuse a Man from the Guilt of breaking it. For we are to observe, that an Oath does not of it self cause a new Obligation; but adds a greater Force to one which was good in Nature before. And the Obligation of Debt, which one Man is under to another, cannot be remitted by a third Person; because that would be to deprive that Other of something which of Right belongs to him. And where the Obligation of Debt is violated, there is a necessary Obligation of Punishment; which penal Obligation cannot be dispensed with by any Earthly Power. For it is a pure Matter of Conscience, from whence all Human Authority and Jurisdiction are excluded; and which is subject to God alone. Whoever breaks his Oath (and every one breaks it, who disappoints the just Expectation of him who required it) is a Debtor to the Divine Justice; and who is he among Men that dares presume to acquit him?

The same Arguments, which prove that an Oath cannot be dispensed with wholly, shew

shew also that it cannot be changed in Part, to the Prejudice of him to whom it was taken.

Every lawful Oath supposing a former Obligation, while that Obligation remains, nothing can dissolve the Obligation of the Oath, which was annexed only to give a greater Certainty of its Performance. And therefore the same Thing alone can untie the Bond of the Oath, which unites the natural Obligation to which it was added. And this previous Tie is not to be loosed, but by a Failure in the Conditions of it; (whether expressed, or reasonably implied) or by the mutual Agreement of Parties. Whoever then does not perform his Oath, when the Conditions of it stand unaltered, and the Party, to whom it was taken, insists on his Right, is forsworn, nothwithstanding any Dispensation, Commutation, or Relaxation given him by Others.

But though it be sinful to violate a natural Obligation; yet it ought to be esteemed a much more enormous Crime to break the same Obligation, confirmed by an Oath. For he who violates his Oath, does formally, and as it were with a deliberate Intention, call down the Vengeance of God upon him. Hence it was, that the Heathens thought the severest Punishments awaited forsworn Persons;

and

and that Children, in that Case, were to suffer for the Sin of their Parents.

The direct Design of the Third Commandment, is to prohibit the Breach of Oaths; and it is there very expressly declared, that (*k*) *The Lord will not hold him Guiltless, that taketh his Name in vain.* A swift Curse is denounced (*l*) against him that *Sweareth falsly by the Name of God*: And even an whole Land is said (*m*) to *Mourn*, because of violated Oaths.

Treason alone would teach us, that a forsworn Person is obnoxious to the most dreadful Punishment. For to break an Oath, is, in the the most impious and audacious Manner, to Sin against God and Man, and seriously and deliberately to imprecate the Curse of Heaven upon Body and Soul. It is the same Thing, as to challenge God to inflict the most dire Plagues and Misfortunes in this Life, and Eternal Damnation in the other.

Having said thus much of an Oath in general, I am now to consider, *Secondly*, the particular Oaths of Allegiance, Supremacy, and Abjuration.

(*k*) Exod. 20. 7.
(*l*) Zacha. 5. 4.
(*m*) Jerem. 23. 10.

Concerning the Oaths of Allegiance and Supremacy, it may be observed, that they were at first prescribed, in Opposition to the usurped Authority of the See of *Rome*. The original and declared Intention of them, was to preserve the King and his Subjects from Papal Tyranny; by acknowledging the Supreme Power of the Prince, and securing the Fidelity of the People, notwithstanding the *Pope*'s Excommunication or Absolvement of the Obedience of the other.

Omitting then the Obligations of Allegiance, which is confirmed to the particular Prince, to whom the Oath is immediately Sworn; it may not improperly be demanded, how any one can Answer the true Intent of these Oaths, who lends Assistance to a Person, who, were he advanced into Power, would (as it may be reasonably presumed) re-establish that very Authority, which by the Oaths, is particularly guarded against. They were not imposed as Matter of meer Speculation; but it was designed by them, that we, who declare against the Right of a Foreign Dominion, should, as much as in them lies, withstand the Practice of it. But how can they be said to oppose the Exercise of the *Pope's* pretended Power here, who endeavour to bring in one to be their Governor, who ('tis very likely) would oblige all his

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Subjects, under Pain of Death or Banishment, to acknowledge it, and live in Subjection to it. All therefore, who have declared that no *Foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have any Jurisdiction, Power, Superiority, Preeminence or Authority, Ecclesiastical or Spiritual, within this Realm*, and yet would assist a *Popish* Pretender, seems to be Forsworn, by endeavouring to disappoint the plain Meaning and Design of the Oath so taken by them.

The Oath of Allegiance is imposed, to ascertain the Fidelity of Subjects to their Sovereign, who is expresly named in it, in Opposition to all other Claimers.

It has already been mentioned, that an Oath does not cause a new and distinct Obligation, but only adds a stronger Tie to a Matter, which was good before. Allegiance and Protection are Reciprocal Duties. All who enjoy the Security and Benefit of a Government, are obliged, by the Laws of God and Nature, to pay a due Obedience to it. And this I would have considered by them who have not taken the Oaths, that they may not deceive themselves, by imagining that their not Swearing will excuse their Disobedience. For there is a natural

Obligation upon *every Soul* (*n*) *to be ſubject to the higher Powers*: And therefore, *They that reſiſt*, though they have not Sworn, *ſhall receive to themſelves Damnation.*

The Oath of Allegiance does not declare, but ſuppoſes the Perſon expreſſed in it, to have a Right to the Service and Submiſſion of thoſe who are required to take it: As on the other Side it may be preſumed, that no one would Swear, who was not well ſatisfied in his Conſcience of the Authority of the Impoſer. This being admitted, the Buſineſs here is to enquire into the Extent of the Obligation confirmed by this Oath. Every Juror *promiſes* in it, *to bear faithful and true Allegiance to His Majeſty King* GEORGE. Where it is evident, that all are perjured, who deny any Part of that Aſſiſtance, which is naturally due to the King, in order to enable him to execute the Supreme Power lodged in him, for the Good of the Community. Not to mention others: Honour and active Services are neceſſary Parts of Allegiance; becauſe without theſe, the Supreme Power cannot be effectually Ad-

(*n*) Rom. 13. 1, 2.

miniſtred

miniſtred. From whence it follows, that of thoſe who have Sworn, not only ſuch as actually reſiſt the King, have broke their Oath; but others alſo, (though with leſs Guilt) who by Calumny or Indifference, both deprive him of that Help which is unalienably due to him, and give Encouragement and Strength to his Enemies. I think it proper to repeat, That whoever, by Words or Actions, deſignedly Diſhonours the King, or beholds the Oppoſition formed againſt him, with Unconcernedneſs, if he has Sworn Allegiance, he is perjured in a lower Degree; and if he has not Sworn, he is guilty of a Breach of natural Duty, the declared Puniſhment of which is Damnation.

The Oath of Abjuration is more full and expreſs; and is ſuch, as no one, who is doubtful of the King's Title, or ſhall be wanting in any Part of natural Allegiance, whether in Words or Deeds, can take, without the greateſt Guilt of False-Swearing and Perjury. He that can deliberately violate this, muſt be thought (like the unjuſt Judge) (o) *neither to fear God, nor regard Man*; to have no Concern

(o) Luke 18. 2.

for

for the common Good, nor any Dread of eternal Damnation.

It is here *Firſt* declared in the moſt Sacred and poſitive Manner, that *our Sovereign Lord King* GEORGE, *is Lawful and Rightful King of this Realm*, &c. Whoever therefore Swears this, and does not *truly, ſincerely, and in his Conſcience*, believe him to be ſo, Swears to the groſſeſt Falſhood. After this Solemn Acknowledgment of the King's Title, it is *promiſed to bear him Faith and true Allegiance; to defend him to the utmoſt, againſt all Attemps whatever, that ſhall be made againſt his Perſon, Crown or Dignity; and to endeavour to diſcloſe to his Majeſty, and his Succeſſors, all Treaſons and Traiterous Conſpiracies, which ſhall be known to be againſt him, or any of them.* From whence it is plain, (and I exhort you all to conſider it) that (to omit more flagrant Inſtances) he who has taken this Oath, and yet in Times of extraordinary Danger, acts with Indifference, is guilty of Perjury. For how can he by any Means be ſaid *to defend the King to the utmoſt of his Power*, who, when he ſees him openly attacked, ſtands by an idle Spectator, and only not joins with thoſe that would deſtroy him? And thoſe too ſeem very ill Defenders of his *Dignity*, who are ever forward to charge him with

with Matters of Reproach; as others are not over ready to disclose *Treasons*, who can hear his Title condemned, and not endeavour to bring the Offenders to Justice.

It is, *Secondly*, declared upon Conscience in this Oath Negatively, that the *Pretender hath not any Right or Title whatsoever to the Crown of this Realm; and all Allegiance or Obedience to him, is refused and abjured.* He then that withdraws that Allegiance which he had Sworn to King *GEORGE*, and gives it to the Pretender, is doubly Forsworn. He has not only broke his Oath in a general Sense, by disobeying the first, but in a particular one also, by assisting the latter, whom he had Personally abjured. Whoever thinks that the Pretender has any kind of Right, and yet Swears this, testifies before God and the World, that he does in Conscience believe, what in Truth he does *not* believe. And he who believes the King to be Rightful and Lawful Sovereign, and gives Assistance to the Pretender, does *not* perform what he Swore he would perform to one, and performs what he Swore he would *not* perform to the other; and that both ways against his Conscience: Which is, in either Case, openly and solemnly to call down the Judgment of God upon Body and Soul.

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It has already been shewn, that no Equivocation, or mental Reservation, can alter the plain Meaning of an Oath. But it may be remarked further, that all Shifts of this Kind are here, in the very Oath it self, as much as it is possible, guarded against. For he who Swears, does profess *plainly and sincerely to acknowledge*, and promise *all the Things* contained in it, *according to the express Words by him spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever.* Where it is plain, that Equivocation, and mental Reservation themselves, no less than the different Sense caused by them, are immediate False-Swearing.

The *Recognition, Acknowledgment, Abjuration, Renunciation and Promise*, are *lastly* declared in the Oath, to be made *heartily, willingly, and truly, upon the true Faith of a Christian*; Which Part leaves them without Excuse, who would pretend that they are forced to Swear; or imagine that such Compulsion will justify them in not observing what they therein promised. For he who took the Oath with a good Conscience, and hath neglected to fulfil it; and he that took it with a bad one, and yet at the same Time declared, that he did it *heartily, willingly and freely*, are alike Forsworn.

But

But whoever Swears, he Swears willingly, though perhaps he may be unwilling to be obliged by his Oath. For he chuses rather to take the Oath, than to suffer the Penalty which would follow the Refusal of it; and he that *prefers* a Thing, must certainly *Will* it.

Besides, we are absolutely forbid to violate our Conscience, for the Sake of avoiding Temporal Inconveniencies, or even Death it self. And if it were allowed to Swear falsly, when Interest required it, the End of Oaths would be utterly defeated, and the Name of God would be used only to Patronize Deceit and Iniquity.

Upon the whole then, it is undeniably certain, that no one can take these Oaths, who thinks them to be in any Respect unlawful; or does not endeavour faithfully to perform all the Things promised in them, without being guilty of the horrid Sin of False-swearing and Perjury. And as Charity should lead one to hope that no Man would be so daringly Wicked, as to assert upon Oath, what he knew, or believed not to be true; or to promise what he thought Sinful, or never intended to perform: So nothing now remains, but that I should exhort you all, who have Sworn to King *GEORGE*, to *bare him faithful and true Allegiance*, as you desire to

escape the Wrath of God to all Eternity. For he who designedly and wilfully breaks this Oath, does in Effect purposely Agree and Covenant with the Almighty, to punish him with the severest Plagues, Pains and Losses in this World, and with an Everlasting Damnation and Destruction in the other.

Besides, we are absolutely forbid to violate it, when we are required to it; the Grace of our Lord Jesus Christ, and the Love of God, and the Communion of the Holy Ghost, be with us all evermore. Amen.

Upon the whole then, it is undeniably certain, that no one can take their Oaths, who thinks them to be in any respect unlawful; or does not endeavour faithfully to perform all the Things promised in them, without being guilty of the horrid Sin of Perjury and Perjury. And as Charity should lead, one to hope that no Man would be so daringly Wicked, as to affirm upon Oath, what he knew, or believed not to be true; or to promise what he himself should not perform; so nothing now remains, but that I should exhort you all, who have Sworn to King GEORGE, to serve him Faithful and true Allegiance, as you desire to

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F I N I S.